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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,711	03/26/2004	Tuija Hurtta	39700-613001US/NC40049US	8090

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EXAMINER	
WILSON, ROBERT W	

ART UNIT	PAPER NUMBER
2419	

MAIL DATE	DELIVERY MODE
08/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/809,711	HURTTA ET AL.	
	Examiner	Art Unit	
	ROBERT W. WILSON	2419	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: *48-50*.
Claim(s) rejected: *1-10,12,14,20-23,25,26,34-47 and 51-62*.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Robert W Wilson/
Primary Examiner, Art Unit 2419

Continuation of 11. does NOT place the application in condition for allowance because: The examiner respectfully disagrees with the applicant argument that the combination of references need to teach: Determining a type of an access network via which a service is to be provided to user equipment because the prior art references do not teach determining service based upon 2G or 3G which is defined by the applicant specification. The applicant failed to make the 2G or 3G a claim limitation so the argument is not relevant. The applicant further argues that the combination of references do not teach: Determining a type of an access network via which a service is to be provided to user equipment; enforcing at a gateway in provisioning of said service via said access network traffic flow control policy decided on the basis of information regarding the type of access network; wherein said access network is located between the user equipment and the gateway. Sevanto teaches:Determining a type of an access network via which a service is to be provided to user equipment (The GGSN decide or determines to provide the service by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3) the gateway in the provisions of said service via said access network a traffic flow control policy decided on the basis of the information regarding the type of access network (The GGSN determines to provide the service or provisions by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3) wherein said access network is located between the user equipment and the gateway (The GGSN is the gateway which is connected to the combination of UTRAN and CN or the combination of MSC BSS or access network which is connected to either UE or MS per Fig 4) Sevanto does not expressly call for: enforcing at the gateway Chiu teaches: enforcing at the gateway (Gateways are decision points for policy enforcement per col. 15 lines 38-43) It would have been obvious to one of ordinary skill in the art at the time of the invention to add the enforcing at the gateway of Chiu to the GGSN or gateway of Sevanto in order to establish a policy decision point at the edge of the network which will result in speeding up processing resulting in a performance improvement. The examiner agrees that there are difference between the applicant invention which is described in applicant specification and prior art; however, the applicant needs to amend the claim language to incorporate these difference in order for them to be consider as part of the examination process; therefore, applicant's argument is not persuasive.